

October 28, 1992

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
SUBJECT--DEL MAR TERRACE CONSERVANCY, INC. v.
CITY COUNCIL, et al.

You may recall that the above-referenced case was a challenge to the Environmental Impact Report certified by the City Council for the SR 56 West and Carmel Valley Restoration and Enhancement Projects (CVREP). The City of San Diego and CalTrans prevailed in the Superior Court and the plaintiff appealed that decision to the Court of Appeal.

On October 23, 1992, the Court of Appeal filed its decision in the case. In a thorough discussion, the Court of Appeal, by unanimous vote, upheld the decision of the Superior Court and ruled that the Environmental Impact Report was sufficient under State law. The Court found that the EIR adequately addresses all issues concerning the construction of SR 56 West and CVREP and, that SR 56 West was not improperly segmented for environmental review from some future, possible connection of SR 56 from I-5 to I-15. A copy of the Opinion is attached.

While we are understandably pleased with the result in the Court of Appeal, the plaintiff has until December 2, 1992, to file for review in the California Supreme Court. Because of the thoroughness of the decision, we are confident either that the Supreme Court would deny review or that the City would prevail on the merits.

Deputy City Attorney Leslie J. Girard represented the City in all stages of the proceedings.

Respectfully submitted,
JOHN W. WITT
City Attorney

JWW:LJG:vtc:Lit.
Attachment
RC-92-64